

Document No. 4116
STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 59-16-10 *et seq.*

43-248. South Carolina Virtual School Program

Synopsis:

The South Carolina Code of Laws authorizes the State Board of Education to promulgate regulations governing the operation of the South Carolina Virtual School Program. The Notice of Drafting for the proposed regulations was published in the State Register on August 28, 2009.

Instructions: The following new section of Regulation 43-248 is provided below.

Text:

43-248. South Carolina Virtual School Program

I. Overview of the South Carolina Virtual School Program

A. The State Board of Education (SBE) is authorized under S.C. Code Ann. Sections 59-16-10 through 59-16-80 to “establish the South Carolina Virtual School Program (SCVSP) to ensure consistent high quality education for the students of South Carolina utilizing technology-delivered courses.” These procedural regulations are based on that legislation.

B. The SCVSP legislation makes the following stipulations:

1. Any public, private, or homeschooled student legally residing in South Carolina who is twenty-one years of age or younger is eligible to enroll in the SCVSP.
2. A private school or homeschooled student enrolled in the SCVSP is not entitled to receive any of the services or privileges that are available to public school students other than the right to receive an appropriate unit of credit for a completed course.
3. The SCVSP is not a school but a program; therefore, it is not authorized by statute to issue a state high school diploma.

C. These regulations—which are predicated on the SCVSP statute, other state statutes, and SBE regulations—are subject to modification by the South Carolina Department of Education (SCDE) only if those statutes or regulations are amended.

II. SCVSP Sponsorship

A. Sponsor Registration

1. In order to become a SCVSP sponsor, a public school district, a public school, a private school, or a homeschooling parent (statutes that apply to homeschooling are S.C. Code Ann. Sections 59-65-40, 59-65-45, 59-65-46, and 59-65-47) must be registered with the SCVSP.

2. In order to be registered as a SCVSP sponsor, the school district, public school, private school, or homeschooling parent must fulfill the following requirements:

- a. have in place a program of studies that leads to a diploma,
- b. comply with the policies governing online courses established by the SCVSP,
- c. identify the individual(s) who will advise the student regarding courses he or she will need to earn a diploma,
- d. identify the individual who will assist the student in resolving any technology issues that may arise, and
- e. identify the individual who will be responsible for submitting the names of those students who will need to access the student technology proficiency assessment.

B. Sponsor Responsibilities

1. All registered SCVSP sponsors must fulfill the following responsibilities:
 - a. verify that a student is a legal resident of the state of South Carolina before enrolling him or her in the SCVSP,
 - b. update sponsor registration information, and
 - c. respond to a student's request to enroll in a SCVSP course.

2. A sponsor may forfeit its right to enroll students in the SCVSP if it fails to abide by these requirements.

III. SCVSP Student Enrollment

A. Student Responsibilities

1. Sponsor Approval

a. The student must secure approval to take a specific course from the public school or district or nonpublic sponsor:

(1) *In-school students*—those who are in membership in a public school (includes homebound, home placed, and off-campus students and students enrolled in an adult education program)—must have approval from the school principal or his or her designee.

(2) *Nonpublic school students*—those who are not in membership in a public school but are instead enrolled in a private school or are homeschooled—must have approval from the nonpublic sponsor:

(a) the private school that the student attends, or

(b) the homeschooling parent/legal guardian.

(3) *Out-of-school students*—those who have not officially withdrawn from a particular public school and are entered in the student database as non-funded (includes expelled students) or those who have not officially withdrawn from a particular private school—must have approval from the district superintendent or the head of the private school. If a district or private school policy does not allow credit to be recorded on an *out-of-school* student's transcript, the student cannot be granted approval to take a SCVSP course.

b. A sponsor may not give approval to a student to retake a course through the SCVSP if a unit of credit for that particular course is already recorded on his or her official transcript.

c. A student who is no longer enrolled in any school and who is at least seventeen years of age must enroll in a public adult education program for sponsorship to take a course from the SCVSP.

2. Computer Proficiency and Access

a. The student must successfully complete the student technology proficiency assessment in order to enroll in the SCVSP for the first time.

b. The student must furnish his or her own computer, or have access to one, and must have Internet access in order to take the SCVSP courses, although the sponsor is not prohibited from providing these.

3. Online Agreements

a. The student must indicate a willingness to abide by the acceptable use policy posted on the SCVSP Web site.

b. The student must agree to abide by the SCVSP policies and expectations posted on the SCVSP Web site.

4. Online Application

a. The student must complete an online application and select a preferred start date for the course(s) he or she has approval to take.

b. The student, upon being notified by the SCVSP that his or her application has been approved, must contact his or her instructor within three days of the start of class.

B. Parent/Legal Guardian Responsibility

1. The parent/legal guardian of a student who is seventeen years of age or younger must give approval for the student to take a course with the SCVSP program.

2. The parent/legal guardian of a student who is seventeen years of age or younger must agree that the student will abide by the acceptable use policy posted on the SCVSP Web site.

C. SBE Responsibility

1. The SBE will implement a system for prioritizing the students who have enrolled in SCVSP courses if the SCVSP is unable to provide the courses these students need.

2. First priority will be given to students needing an initial credit course(s) to graduate on time.

3. The next priority will be given to those students who need to take a content recovery course required for graduation.

4. The next priority will be given to those students who need to take a course(s) needed for graduation not being offered in their schools.

5. Beyond these three priorities, students will be served on a first-come, first-served basis.

IV. SCVSP Course Grades and Units of Credits

A. SCVSP Responsibilities

1. The SCVSP must provide to the student's sponsor a certified grade report specifying the course title, the inclusive course dates, the final numeric grade, the quality points, and the unit value after the student has completed the final exam(s).

2. The certified grade report for courses requiring an End-of-Course Examination Program (EOCEP) test will be provided to the sponsors of all nonpublic school students after the test has been administered. The final numeric grade on this report will be calculated in accordance with the requirements outlined in Regulation 43-262.4, End-of-Course Tests.

3. The SCVSP may authorize another entity to provide the grade report to a nonpublic sponsor.

4. The SCVSP must maintain student course records.

5. The SCVSP must limit to three the number of units a student can be awarded in a school year and must limit to twelve the number of units a student can be awarded toward his or her diploma, regardless of the number of sponsors the student has had.

6. A student may file a request to the governing body of his or her SCVSP sponsor for a waiver to exceed the maximum number of units. The request for a waiver must be filed for each unit beyond the maximums.

a. The student must submit to the governing body a written application requesting the waiver.

b. The application must be signed by the principal of the sponsoring school or the head of the nonpublic sponsor and by the student's parent or legal guardian.

c. The governing body of the student's SCVSP sponsor may consider granting the waiver if all of the following conditions are found to exist:

- (1) the student has successfully completed all prior SCVSP courses,
- (2) the waiver will facilitate the student's graduation from high school, and
- (3) there are special circumstances that warrant allowing the student to take additional SCVSP courses.

d. The governing body must advise the SCVSP of its decision on the waiver in a written statement and must explain in detail its findings with regard to each of the three required conditions.

5. The SCVSP will post on its Web site a form for the waiver request explained above.

B. Sponsor Responsibilities

1. All sponsors must award the numeric grade and unit value to the student enrolled in a course through the SCVSP by recording them on the student's transcript in his or her permanent record in the same manner as is done with any other course the student takes.

2. All nonpublic sponsors must contact the district test coordinator in the public school district in which they reside to arrange for students to take the appropriate EOCEP tests online.

3. Each district must determine whether it will charge nonpublic sponsors a fee for the administration of the EOCEP tests. If a fee is charged, it must be reasonable and must be directly related to the district's added costs for providing this testing service and cannot exceed the fee established by the SBE.

4. All sponsors must ensure that the final examination for each course is conducted in a proctored environment.

5. All sponsors must inform the SCVSP when a student is taking a SCVSP course under a school district "content recovery" program.

6. All sponsors must retain for a period of three years the residency records of every student enrolled in the SCVSP.

7. All sponsors must provide all reports as stipulated in these regulations.

8. Units earned by a student through the SCVSP will be accepted in the public schools if the student presents his or her grade report from the SCVSP or if his or her transcript reflects the numeric grade and unit value that were recorded on the grade report issued by the SCVSP.

C. Student Responsibilities

1. The student must complete all assignments, course examinations, and state assessments that are required for the particular course in order for the SCVSP to issue the grade report.

2. The student must complete the course requirements within twenty weeks or request an extension from his or her instructor.

D. Instructor Responsibilities

1. The instructor must establish the minimum course requirements that the student must complete.

2. The instructor must consult the SCVSP to determine whether the circumstances surrounding the student's request for a course extension beyond the twenty weeks is warranted.

V. EOCEP Assessments

A. All EOCEP tests must be administered under the supervision of a public school district in accordance with stipulations specified in the current SCDE EOCEP test administration manual. All test security statutes and SBE regulations in this manual apply to nonpublic sponsors and nonpublic students.

B. A student who is taking a course for which an EOCEP test is required must take the test online in the school district where he or she resides. If an online testing location is unavailable, the district's test coordinator must find a location in a nearby district. The district's responsibility extends no further than locating the test site.

VI. SCVSP Course-Selection Procedures and Criteria

A. The SCVSP may offer a particular course only if that course is either

1. required to be offered by Regulation 43-234, Defined Program, Grades 9–12; or

2. requested by students, parents, or sponsors on the SCVSP online survey; or

3. requested by a sponsor under circumstances that the SCVSP deems valid.

B. The SCVSP must ensure that any course it develops, purchases, or contracts meets the following three criteria:

1. is aligned with the state academic standards,
2. integrates high quality Web-based strategies into instruction, and
3. uses the level of technology required for a computer-mediated environment.

VII. SCVSP Course Costs

A. The SBE will determine when and if the SCVSP may charge fees and tuition. If program funds are either reduced or unavailable, the SCVSP may charge a fee to students not to exceed the cost of the instructor divided by the number of students enrolled in the course. Students eligible for free and reduced lunch will not be charged.

B. In addition, the SCVSP may contract with districts/schools to provide a course(s) to a class of students enrolled in that course during a specific period of the school day and/or districts/schools that wish to guarantee that their students are served regardless of their priority.

VIII. SCVSP Instructors

A. Instructor Employment

1. The SCDE is responsible for employing all SCVSP instructors.
2. Instructors may be employed either as SCDE-classified staff or as SCDE-contracted adjunct staff.

B. Instructor Qualifications

1. A SCVSP instructor must either hold a valid teaching certificate (with attendant training, if required) in the subject area he or she is teaching or receive special approval from the SCDE on the basis of his or her credentials.
2. An in-state SCVSP instructor who does not hold a valid South Carolina teaching certificate or who has not been employed by a South Carolina public school district in the last

five years must undergo a criminal records check by the South Carolina Law Enforcement Division. An out-of-state SCVSP instructor must undergo any criminal records check that the SCDE determines to be necessary.

C. Instructor Requirements

1. SCVSP instructors must successfully complete all SCVSP pre-service and in-service training requirements.

2. Training topics must include the development and organization of online courses; the technical aspects of online course delivery; the management of virtual classrooms; and the monitoring and assessment of student performance, progress, and achievement.

D. Instructor Evaluation

1. SCVSP instructors who are SCDE-classified staff will be evaluated in accordance with state laws and regulations. SCVSP instructors who are SCDE-contracted adjunct staff employed under state procurement laws will be evaluated on the basis of the same criteria as are SCDE-classified staff.

2. SCVSP instructors must meet all applicable Assisting, Developing, and Evaluating Professional Teaching (ADEPT) requirements.

E. Instructor Loads

1. The student load for each instructor is determined by the particular course(s) the instructor is teaching.

2. The teaching load for each instructor must not exceed twenty-five course-completing students at any given time.

IX. Required Reports

A. Sponsor Responsibility

1. School districts and nonpublic sponsors must report to the SCVSP the reason for a student's withdrawal from a course at the time he or she withdraws.

2. The report must be submitted at the time the student withdraws.

B. SCVSP Responsibility

1. The SCVSP will report to the SBE annually.
2. The report must contain the following information:
 - a. the courses being offered through the SCVSP during the current school year,
 - b. the number of local school districts participating and the number of the district students participating,
 - c. the number of private schools participating and the number of the private school students participating,
 - d. the number of homeschool students participating,
 - e. the success rates for students by courses,
 - f. the number of students who withdraw from a course and the reason for each student's withdrawal,
 - g. the number of students who were prevented from enrolling in a course because of space limitations,
 - h. the total monies expended by the SCVSP, and
 - i. the results of the SCVSP online survey of students, parents, and sponsors.

C. SCDE Responsibility

1. The SCDE will provide the Education Oversight Committee with access to student records annually.
2. All records must contain final course grades and scores on state assessments.

Fiscal Impact Statement:

None.

Statement of Rationale:

The 2008 Code mandates that the South Carolina Board of Education develop and promulgate regulations to govern the implementation of the South Carolina Virtual School Program.

A copy of the statement of rationale may be obtained by contacting Dee Appleby, Director, Office of eLearning, South Carolina Department of Education, 3710 Forest Drive, Columbia, South Carolina 29204 or e-mail dappleby@ed.sc.gov.

CHAPTER 16. SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM

SECTION 59-16-10. Legislative findings. [SC ST SEC 59-16-10]

(A) The General Assembly finds that:

(1) through the use of technology, South Carolina can create educational opportunities for the students of this State that may not exist without such technology; and

(2) using technology to deliver instruction can provide effective alternatives for credit recovery, meeting graduation requirements, resolving scheduling conflicts, delivering curriculum content when there is a shortage of certified personnel, providing a more flexible and individualized instructional pace, and offering low-incidence courses.

(B) It is the purpose of the General Assembly, in this chapter to establish the South Carolina Virtual School Program to ensure consistent high quality education for the students of South Carolina utilizing technology-delivered courses.

SECTION 59-16-15. South Carolina Virtual School Program established; eligibility to enroll; credits; computer equipment and internet access. [SC ST SEC 59-16-15]

(A) The State Board of Education is authorized to establish the South Carolina Virtual School Program to provide South Carolina students access to distance, online, or virtual learning courses offered for an initial unit of credit. Additionally, the South Carolina Virtual School Program shall offer access to credit recovery programs for students who have been identified by a school district as not having received credit for a course previously taken or for students who have been identified by a school district as not likely to receive credit for a course in which the student is currently enrolled. Students may enroll in courses for credit recovery based on policies established by the State Board of Education. The South Carolina Virtual School Program shall not award a South Carolina High School diploma.

(B) A public, private, or homeschool student residing in South Carolina who is twenty-one years

of age or younger shall be eligible to enroll in the South Carolina Virtual School Program. A private school or home school student enrolled in the South Carolina Virtual School Program must not be entitled to any rights, privileges, courses, activities, or services available to a public school student other than receiving an appropriate unit of credit for a completed course.

(C) Students may be awarded a maximum of three online initial credits in a school year, and no more than twelve online initial credits throughout high school. However, the State Board of Education shall establish an appeals process whereby the governing body of the student's school district may grant a waiver to exceed the established limit.

(D) Local school districts shall accurately transcribe a student's final numeric grade to the student's permanent record and transcript. Home school students and private school students shall receive a certified grade report indicating date, course, and final numeric grade from the South Carolina Virtual School Program or an entity approved by the State Board of Education.

(E) Students enrolled in an online course for a unit of credit must be administered final exams and appropriate state assessments in a proctored environment.

(F) It is not the responsibility of the school, district, or state to provide home computer equipment and Internet access for enrollment in courses provided by the South Carolina Virtual School Program. However, nothing in this section shall prohibit a school or district from providing home computer equipment or Internet access to students enrolled in the South Carolina Virtual School Program.

SECTION 59-16-20. Housing and management of program; standards for courses; instructor certification and training. [SC ST SEC 59-16-20]

(A) The South Carolina Virtual School Program shall be housed in and managed by the State Department of Education. The department may contract for distance learning courses, develop courses, or approve courses submitted by entities.

(B) Each course offered for a unit of credit shall be reviewed for correlation with the state adopted academic standards prior to being offered.

(C) All distance, online, or virtual learning courses offered for a unit of credit must be aligned with the state adopted academic standards, include appropriate course materials, and be approved by the State Department of Education.

(D) Instructors must hold a valid teaching certificate in each content area being taught or receive approval from the State Department of Education to teach the course.

(E) All virtual schoolteachers must receive appropriate preservice and in-service training pertaining to the organization, classroom management, technical aspects, monitoring of student assessment, and other pertinent training from the State Department of Education.

SECTION 59-16-30. Definitions [SC ST SEC 59-16-30]

As used in this chapter:

- (1) "Distance learning" means the acquisition of knowledge and skills through mediated information and instruction, encompassing all technologies and other forms of learning at a distance. Distance learning includes online and virtual courses.
- (2) "Online learning" means learning delivered by web-based or internet-based technologies.
- (3) "Proctored" means directly monitored by an adult authorized by the South Carolina Virtual School Program.
- (4) "Virtual classroom" means the online learning space where students and instructors interact.
- (5) "School year" means the one hundred eighty days of student instruction required pursuant to Section 59-1-420 and student instruction received as part of a summer school program.
- (6) "Credit recovery" means self-paced, semester-long courses that target learning in areas of greatest weakness, allowing nontraditional or at-risk students to rapidly complete courses, recover credits, and progress to graduation.

SECTION 59-16-40. Guidelines and regulations. [SC ST SEC 59-16-40]

The State Board of Education shall develop guidelines and promulgate regulations to include, but may not be limited to, the following:

- (1) procedures and criteria to be used for the selection of online courses to be offered for a unit of credit;
- (2) qualifications and registration requirements of students who may enroll in online courses to include provisions outlining the enrollment of students that have been expelled from school;
- (3) procedures for private and homeschool students to enroll in courses offered;

- (4) teacher qualifications and the student-to-teacher ratio for online courses;
- (5) appropriateness and provisions for charging tuition and fees;
- (6) procedures for establishing uniform evaluation of student progress and awarding of the final grade;
- (7) process for maintaining student records and reporting and recording grades on the student's transcript;
- (8) procedures and requirements for employment, supervision, and evaluation of teachers;
- (9) procedures and requirements for supervision, monitoring, assessment, and evaluation of enrolled students; and
- (10) student expectations.

SECTION 59-16-50. Adult education program pilot; recommendations to General Assembly.
[SC ST SEC 59-16-50]

Through the use of an online pilot program, the State Department of Education shall examine the feasibility of providing services of the South Carolina Virtual School Program to students enrolled in adult education programs and shall make recommendations to the General Assembly no later than January 1, 2008.

SECTION 59-16-60. Annual report; contents. [SC ST SEC 59-16-60]

Annually, the State Board of Education shall provide the General Assembly a report that shall include, but not be limited to, the following information:

- (1) list of courses offered through the virtual school;
- (2) number of local school districts and number of the district students participating in the virtual school;
- (3) private schools and number of the private school students participating in the virtual school;
- (4) number of homeschool students participating in the virtual school;
- (5) success rates for students by courses enrolled in the virtual school;

(6) number of students who dropped a course and reasons for dropping;

(7) expenditures made for the virtual school; and

(8) number of students unable to enroll because of space limitation.

SECTION 59-16-70. Review of student records by Education Oversight Committee. [SC ST SEC 59-16-70]

At the end of each semester, the State Department of Education shall provide student records, including course grades and performance on state assessments, to the Education Oversight Committee. The Education Oversight Committee shall monitor the impact of credits earned in the virtual school, on the school and district ratings, with particular attention to performance on end-of-course examinations and graduation rates.

SECTION 59-16-80. Implementation contingency. [SC ST SEC 59-16-80]

The implementation of the provisions contained in this chapter are contingent upon the appropriation of funds by the General Assembly.